1761:



Attorney's Docket No. SP-1237

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

10/079,342

Serial No.

Filed

2/20/2002

Examiner

Art Unit

1761

For

Protein Stabilizing Agent

Assistant Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

f Xiaolin Huang	nventor(s)
Protein Stabilizing Ager	
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n re application of:	
Application No.: 0 10 /1079,342 Filed: 2/20/2002 For: Protein Stabilizing Agent	Group Art Unit: 1761 Examiner:
Assistant Commissioner for Faterits Washington, D.C. 20231	
WITHIN THREE BEFORE MAILING OF FIRST	MATION DISCLOSURE STATEMENT MONTHS OF FILING OR OFFICE ACTION (37 C.F.R. § 1.97(b)) DER 37 C.F.R. §§ 1.8(a) and 1.10*
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I hereby certify that, on the date shown below,	MAILING
 deposited with the United States Postal Set for Patents, Washington, D.C. 20231 37 C.F.R. § 1.8(a) with sufficient postage as first class mail. 	rvice in an envelope addressed to the Assistant Commissione 37 C.F.R. § 1.10* XIXI as "Express Mail Post Office to Addressee" Mailing Label No. EV 04 29102500 (mandator)
☐ facsimile transmitted to the Patent and Trac	TRANSMISSION
Date: 9/30/63	Richard B. Taylor (type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office

NOTE: 37 C.F.R. 1.98(b):

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

WARNING: No extension of time can be had under 37 C.F.R. § 1.136 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

- NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."
- NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 609, M.P.E.P., 8th Edition.
- NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuationsin-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for exampl, as opposed to only formal or procedural requirements. An action on the merits would, for exampl, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

Reg. No.: 37,248

Tel. No.: (314) 982-3004

Customer No.:

SIGNATURE OF PRACTITIONER

Richard B. Taylor (type or print name of practitioner)

P.O. BOX 88940

P.O. Address

St. Louis, MO 63188

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 3 of 3)



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Substitute for form 1449A/PTO	Complete If Known		
	Application Number	10/079,346	
INFORMATION DISCLOSURE	Filing Date	2/20/2002	
STATEMENT BY APPLICANT	First Named Inventor	Huang	
	Group Art Unit	176Ĭ	
(use as many sheets as necessary)	Examiner Name		
Sheet 1 of 1	Attorney Docket Number	SP-1237 US	

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(Information Disclosure Statement by Applicant (PTO/SB/08A) (1449A/PTO) [6-2]-page 1 of 1)

^{*}EXAMINER: Initial if reference considered, whether or not cluston is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered, include copy of this form with need communication to applicant.

¹ Unique cliation designation number. ² See attached Kinds of U.S. Patent Documents. ² Enter Office that issued the document, by the two-letter code (MPO Standard 6T.S). ⁴ For Japanese patent document, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ³ Kind of document by the appropriate symbols as indicated on the document under WPO Standard ST. 16 if possible. ⁴ Applicant is to place a check mark here if English language Translation is attached.



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		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), the of the article (when appropriate), the of the include name of the lowest leader, appropriate, actually, etc.), data, page(s), volume-lease number(s).	12
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(Information Disclosure Statement by Applicant (PTO/SB/08B) Other Prior Art—NonPatent Literature Documents (1449A/PTO) [8-2-1]—page 1 of 1)

INER: Initial II reference considered, whether or not cluston is in conformance with MPEP 608. Draw the through cluston II not in conformance and not real, tectude copy of this term with next communication to applicant.

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4 Applicant is to place a check mark here II English tengunge Translation is attached.